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PROMOTION AND PROTECTION OF HUMAN RIGHTS
HUMAN RIGHTS DEFENDERS

Written statement submitted by Human Rights Watch, a non-governmental organization in consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31

[30 December 1999]

GE.00-10500 (E)

1. Human Rights Watch reiterates its call on the Commission on Human Rights to appoint a Special Rapporteur on human rights defenders. This is the indispensable next step after the adoption of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) and necessary to ensure the Declaration's implementation. Events during the time since the adoption of the Declaration highlight this need in a dramatic fashion. We wish to bring to the attention of the Commission examples drawn from just two parts of the world.

2. Colombia stands out as a country where defending human rights is an extremely dangerous profession. In the first nine months of 1999, two human rights defenders were killed and dozens more were threatened. Two academics who also worked in favour of human rights were murdered. On 31 January, Julio González and Everardo de Jesús Puerta, who worked for the Committee of Solidarity with Political Prisoners, were shot and killed by presumed paramilitaries after they were forced off the public bus in which they were travelling in Antioquia. Subsequent threats forced the Committee to suspend activities for several months. Earlier in January, four employees of the Popular Training Institute were kidnapped on the orders of paramilitary leader Carlos Castaño. The four were later released unharmed, but Mr. Castaño warned that he would continue to target so-called parasubversives working in human rights organizations. A few months later, Castaño's forces kidnapped Senator Piedad Córdoba, President of the Senate Human Rights Commission. She too was released unharmed, but threats from Castaño issued after her release led her to flee the country temporarily.

3. In 1999, Colombia's Attorney-General formally charged Castaño with ordering the 1998 murder of Jesús María Valle, president of the "Héctor Abad Gómez" Human Rights Committee in Antioquia. Despite this promising initial step, no moves were taken to mount the operation necessary to arrest him. The Attorney-General's office did arrest several individuals accused of killing human rights lawyer Eduardo Umaña in his Bogotá apartment in 1998. Nevertheless, those who ordered the killing remain unidentified. Several human rights groups closed their doors because of threats, among them a group working with the families and survivors of the killings in Trujillo in the early 1990s. At least 30 other defenders were also forced to leave the country in 1998 and 1999.

4. Surveillance of some groups was open and aggressive. One group reported being filmed from the twelfth floor of a neighbouring hotel, prompting them to request bulletproof glass for their twelfth-floor windows. Telephones were tapped, and callers could hear agents eating, turning newspaper pages and listening to music. One group discovered that a false NGO set up by military intelligence monitored their activities, and fear was rife that the military and paramilitaries had placed operatives within offices to report on the movements of key leaders. The administration of President Andrés Pastrana allocated US$ 4 million to protect human rights defenders in 1999, but monies were slow to materialize, short of what was promised, and often short-lived, including for much-needed measures like bulletproof glass, radios, taxis, and police protection at offices.

5. Human rights defenders in the Middle East and North Africa are extremely vulnerable. In five countries - Bahrain, Iraq, the Libyan Arab Jamahiriya, Saudi Arabia and

the Syrian Arab Republic - defenders are unable to form independent organizations and openly monitor human rights. Elsewhere in the region, defenders suffer imprisonment, the threat of criminal prosecution and harassment. In Egypt and the area under the rule of the Palestinian Authority, controversial new laws have raised fear among local human rights groups that authorities may move to restrict their activities and sources of funds, thus challenging their very existence as independent organizations.

6 In Syria, where independent non-governmental organizations (NGOs) do not exist, defenders have faced unfair trials and harsh punishment. Five defenders are currently serving prison terms of 8-10 years, imposed in the aftermath of a crackdown on the country's nascent human rights movement in 1991/92. Muhamed Ali Habib, Afif Munzer, Thabet Murad, Nizar Nayouf and Bassam al-Shaykh are all imprisoned solely for the peaceful exercise of freedom of association and expression, and should be immediately released.

7 The Government of Tunisia goes to extraordinary lengths to intimidate and impede the activities of any Tunisian who tries to defend or speak out on behalf of victims of human rights abuses. Plainclothes police conduct constant and highly visible surveillance of human rights activists and of the offices of organizations and human rights lawyers, to intimidate both the defenders and victims of abuse who seek remedies. Laws providing prison terms for "defamation" of public authorities and institutions and for "spreading false news" are routinely used to charge those who criticize the Government's human rights record. The Government has refused to grant legal recognition to the year-old, outspoken National Council on Liberties in Tunisia, and has detained and hauled into court two of its leading members, Moncef Marzouki and Omar Mestiri, on charges related to their "illegal" human rights activities. The cases are pending against them, their passports, along with those of numerous other human rights activists, have been confiscated. Within the last five years, two other Tunisians, Khemais Ksila and Nejib Hosni, each served two years in prison as a price for their human rights activities. Lawyer Radhia Nasraoui's office was burglarized and case files stolen in 1998, in one of many suspicious acts of theft and vandalism that have targeted human rights activists.

8 Egypt enacted a new law (Law No. 153/1999) in May 1999 that authorizes the Ministry of Social Affairs to closely monitor and regulate all Egyptian NGOs. The law has generated sustained concern among the country's large community of human rights defenders. The defenders view as uncertain the future status of their organizations if the Government chooses to use the comprehensive law to interfere with their budgets and restrict their activities. The law gives the Ministry of Social Affairs wide power to challenge virtually any aspect of NGO management and activities, including decisions made by boards of directors, receipt of funds from abroad, and affiliation with NGOs in Egypt and internationally. Violations of the law that may amount to no more than the exercise of peaceful freedom of association by human rights defenders or other activists (such as carrying out organizational activities without registration as an NGO) can bring criminal prosecution and prison sentences ranging from three months to one year. The administrative regulations for the law were not issued until December 1999, so the impact of the implementation of the law on human rights defenders in Egypt must be carefully watched and assessed throughout 2000. In addition, criminal charges dating back to December 1998 are still pending against two human rights defenders, lawyer Hafez Abu Sa'da, Secretary-General of the Egyptian Organization for Human Rights (EOHR), and lawyer Mustafa Zeidan, author of a September 1998 EOHR report that documented police abuse of

residents of a predominantly Christian village. Prosecutors accused the lawyers of disseminating false information that harmed Egypt's national interests, and Abu Sa'da was additionally accused of accepting foreign funds without government permission, with the goal of carrying out acts harmful to Egypt.

9. In the territories under the administration of the Palestinian Authority (PA), President Yasir Arafat has not signed the largely positive NGO law the Palestinian Legislative Council passed on 21 December 1998 and has repeatedly tried to force the adoption of amendments giving him, as Minister of the Interior, the power of NGO oversight. In May 1999 government officials launched a campaign of libel and intimidation against defenders, characterizing them as "traitors" and "spies" in the semi-official press. Representatives of NGOs who refused to register with the Ministry of the Interior were interrogated by police and threatened with arrest under a 1909 Ottoman-era law prohibiting unregistered associations. Police told the Director of the Gaza Mental Health Clinic, Dr. Eyad Sarraj, during his detention on 5 August 1999 that President Arafat had ordered his arrest and interrogation because of his article criticizing attacks by PA on human rights NGOs, published in a human rights magazine. In a letter of 28 August to Raji Sourani, Director of the Palestinian Centre for Human Rights, Police Chief Ghazi al-Jabali said, "words are not sufficient, especially with those who sold their consciences and their pens to the interests of those who want us to have neither a state or law"; the letter was copied to the Ministers of Justice and NGO Affairs and to all regional police chiefs and stations "to acquaint them with the position of Raji Sourani and human rights organizations". This climate of intimidation has led to physical attacks: on 11 December 1999 Hanan Elmasu, Project Coordinator of the Bir Zeit University Human Rights Action Project, was knocked unconscious after she stepped outside to see who had thrown a stone through her window. The stone had a note attached warning her to stop her work and leave the country and was wrapped in a petition Ms. Elmasu had signed that protested the arrests by PA of its critics.

10. We urge the Commission to address this urgent problem by appointing a Special Rapporteur on human rights defenders. The Special Rapporteur would examine whether national standards and practice conform to the Declaration and could intervene in cases of harassment or persecution of human rights monitors.